

House Study Bill 12

SENATE/HOUSE FILE _____
BY (PROPOSED CIVIL RIGHTS
COMMISSION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of state and school
2 antiharassment or antibullying policies, providing data
3 collection and reporting requirements, and providing for
4 immunity and other related matters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1219DP 82
7 kh/cf/24

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1 1 Section 1. Section 280.12, subsection 2, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention
1 4 goals, programs, training, and other initiatives.
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
1 6 PROHIBITED == POLICY == IMMUNITY.
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
1 8 committed to providing all students with a safe and civil
1 9 school environment in which all members of the school
1 10 community are treated with dignity and respect. The general
1 11 assembly finds that a safe and civil school environment is
1 12 necessary for students to learn and achieve at high academic
1 13 levels. Harassing and bullying behavior can seriously disrupt
1 14 the ability of school employees to maintain a safe and civil
1 15 environment, and the ability of students to learn and succeed.
1 16 Therefore, it is the policy of the state of Iowa that school
1 17 employees, volunteers, and students in Iowa schools shall not
1 18 engage in harassing or bullying behavior.
1 19 2. DEFINITIONS. For purposes of this section, unless the
1 20 context otherwise requires:
1 21 a. "Harassment" and "bullying" shall be construed to mean
1 22 the same and mean any conduct toward a student which is based
1 23 on any actual or perceived trait or characteristic of the
1 24 student and which creates an objectively hostile school
1 25 environment that meets one or more of the following
1 26 conditions:
1 27 (1) Places the student in reasonable fear of harm to the
1 28 student's person or property.
1 29 (2) Has a substantially detrimental effect on the
1 30 student's physical or mental health.
1 31 (3) Has the effect of substantially interfering with a
1 32 student's academic performance.
1 33 (4) Has the effect of substantially interfering with the
1 34 student's ability to participate in or benefit from the
1 35 services, activities, or privileges provided by a school.
2 1 b. "Trait or characteristic of the student" includes but
2 2 is not limited to age, color, creed, national origin, race,
2 3 religion, marital status, sex, sexual orientation, gender
2 4 identity, physical attributes, physical or mental ability or
2 5 disability, ancestry, political party preference,
2 6 socioeconomic status, or familial status.
2 7 3. POLICY. On or before September 1, 2007, the board of
2 8 directors of a school district and the authorities in charge
2 9 of each accredited nonpublic school shall adopt a policy
2 10 declaring harassment and bullying in schools, on school
2 11 property, and at any school function, or school-sponsored
2 12 activity regardless of its location, in a manner consistent
2 13 with this section, as against state and school policy. The
2 14 board and the authorities shall make a copy of the policy
2 15 available to all school employees, volunteers, students, and
2 16 parents or guardians and shall take all appropriate steps to

2 17 bring the policy against harassment and bullying and the
2 18 responsibilities set forth in the policy to the attention of
2 19 school employees, volunteers, students, and parents or
2 20 guardians. Each policy shall, at a minimum, include all of
2 21 the following components:

2 22 a. A statement declaring harassment and bullying to be
2 23 against state and school policy. The statement shall include
2 24 but not be limited to the following provisions:

2 25 (1) School employees, volunteers, and students in school,
2 26 on school property, or at any school function or school=
2 27 sponsored activity shall not engage in harassing and bullying
2 28 behavior.

2 29 (2) School employees, volunteers, and students shall not
2 30 engage in reprisal, retaliation, or false accusation against a
2 31 victim, witness, or an individual who has reliable information
2 32 about such an act of harassment or bullying.

2 33 b. A definition of harassment and bullying that is no less
2 34 inclusive than the definition set forth in this section.

2 35 c. A description of the type of behavior expected from
3 1 school employees, volunteers, parents or guardians, and
3 2 students relative to prevention measures, reporting, and
3 3 investigation of harassment or bullying.

3 4 d. The consequences and appropriate remedial action for a
3 5 person who violates the harassment and bullying policy.

3 6 e. A procedure for reporting an act of harassment or
3 7 bullying, including the identification by job title of the
3 8 school official responsible for ensuring that the policy is
3 9 implemented, and the identification of the person or persons
3 10 responsible for receiving reports of harassment or bullying.

3 11 f. A procedure for the prompt investigation of complaints,
3 12 either identifying the school principal or the principal's
3 13 designee as the individual responsible for conducting the
3 14 investigation, including a statement that investigators will
3 15 consider the totality of circumstances presented in
3 16 determining whether conduct objectively constitutes harassment
3 17 or bullying under this section.

3 18 g. A statement of the manner in which the policy will be
3 19 publicized.

3 20 4. PROGRAMS ENCOURAGED. The board of directors of a
3 21 school district and the authorities in charge of each
3 22 accredited nonpublic school are encouraged to establish
3 23 programs designed to eliminate harassment and bullying in
3 24 schools. To the extent that funds are available for these
3 25 purposes, school districts and accredited nonpublic schools
3 26 shall do the following:

3 27 a. Provide training on harassment and bullying policies to
3 28 school employees and volunteers who have significant contact
3 29 with students.

3 30 b. Develop a process to provide school employees,
3 31 volunteers, and students with the skills and knowledge to help
3 32 reduce incidents of harassment and bullying.

3 33 5. IMMUNITY. A school employee, volunteer, or student, or
3 34 a student's parent or guardian who promptly, reasonably, and
3 35 in good faith reports an incident of harassment or bullying,
4 1 in compliance with the procedures in the policy adopted
4 2 pursuant to this section, to the appropriate school official
4 3 designated by the school district or accredited nonpublic
4 4 school, shall be immune from civil or criminal liability
4 5 relating to such report and to participation in any
4 6 administrative or judicial proceeding resulting from or
4 7 relating to the report.

4 8 6. COLLECTION REQUIREMENT. The board of directors of a
4 9 school district and the authorities in charge of each
4 10 nonpublic school shall develop and maintain a system to
4 11 collect harassment and bullying incidence data.

4 12 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 13 directors of a school district and the authorities in charge
4 14 of each nonpublic school shall integrate its antiharassment
4 15 and antibullying policy into the comprehensive school
4 16 improvement plan required under section 256.7, subsection 21,
4 17 and shall report data collected under subsection 6, as
4 18 specified by the department, to the local community.

4 19 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
4 20 be construed to preclude a victim from seeking administrative
4 21 or legal remedies under any applicable provision of law.

4 22 EXPLANATION

4 23 This bill relates to harassment and bullying of elementary
4 24 and secondary school students and establishes a state policy
4 25 that school employees, volunteers, and students in Iowa
4 26 schools shall not engage in harassing or bullying behavior.

4 27 The bill adds to the list of school improvement advisory

4 28 committee recommendation areas, that school districts and
4 29 schools must consider the committees' recommendations
4 30 regarding harassment or bullying prevention goals, programs,
4 31 training, and other initiatives.

4 32 The bill defines "harassment" and "bullying" to mean any
4 33 conduct toward a student that is based on any actual or
4 34 perceived trait or characteristic, which is also defined in
4 35 the bill; that creates an objectively hostile education
5 1 environment; and that meets one or more of the conditions
5 2 specified in the bill.

5 3 The bill requires school boards and accredited nonpublic
5 4 schools to have a policy in place by September 1, 2007, that
5 5 states that school employees, volunteers, and students shall
5 6 not engage in harassing or bullying behavior. The policy must
5 7 be distributed to all concerned, define harassment and
5 8 bullying, describe the behavior expected from all concerned,
5 9 describe the consequences and appropriate remedial action for
5 10 violation of the policy, include a procedure for reporting
5 11 incidents, identify persons responsible for receiving reports,
5 12 include a procedure for the prompt investigation of
5 13 complaints, and list a range of sanctions and remedial actions
5 14 that can be taken with regard to confirmed incidents. The
5 15 policy also must prohibit reprisal, retaliation, or false
5 16 accusation against a victim, witness, or an individual who has
5 17 reliable information about an act of harassment or bullying.

5 18 The bill encourages school boards and schools to establish
5 19 programs designed to eliminate harassment and bullying in
5 20 schools, to provide training on harassment and bullying
5 21 policies, and to develop a process to help reduce incidents of
5 22 harassment and bullying.

5 23 The bill provides immunity from civil or criminal liability
5 24 to school employees, volunteers, and students and their
5 25 parents or guardians who report an incident of harassment or
5 26 bullying promptly, reasonably, and in good faith. Existing
5 27 administrative or legal remedies available to a victim are
5 28 unaffected by the provisions of the bill. The bill requires
5 29 schools to integrate their policies into their comprehensive
5 30 school improvement plans, which are submitted to the
5 31 department, and requires that data collected for the plan be
5 32 reported to the local community.

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